



Tanzania

Country Reports on Human Rights Practices - [2003](#)

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The United Republic of Tanzania is a multiparty state led by the President of the mainland, Benjamin Mkapa. The Zanzibar archipelago, although integrated into the country's governmental and party structure, has its own President and Parliament and continues to exercise considerable autonomy. In 2000, President Mkapa was elected to a second term and the ruling Chama Cha Mapinduzi (CCM) party made significant gains in elections that were considered free and fair on the mainland, but which were seriously marred by irregularities and politically motivated violence on Zanzibar. Interim by-elections held in May filled the parliamentary seats that were vacated when members of the opposition Civic United Front (CUF) elected in 2000 boycotted the Parliament to protest the irregularities in that election. These interim elections were judged free and fair by diplomatic and domestic observers. The national judiciary was formally independent but was corrupt, inefficient, and subject to executive interference.

The police force has primary responsibility for maintaining law and order. Citizens' patrols known as "Sungusungu" continued to support the police force in rural areas, including refugee camps, and were re-established during the year in urban areas. The military was composed of the Tanzanian People's Defense Force (TPDF). The People's Militia Field Force (FFU) was a division of, and directly controlled by, the national police force. While civilian authorities maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. Members of the security forces committed numerous human rights abuses.

The country continued to make the transition from a centrally directed economy to a market-based economy. Agriculture provided 82 percent of employment for the population of approximately 37 million, according to 2002 estimates. The GDP growth rate was 5.6 percent. Wages generally kept pace with inflation; however, drought-related increases in food prices reportedly caused hardship in the final weeks of the year. The Government attempted to improve its fiscal management, encouraged foreign and domestic investment, and dismantled state economic controls; however, mismanagement, poor infrastructure, pervasive corruption, and a large external debt constrained economic progress. In addition, an estimated HIV/AIDS prevalence rate of between 9 and 24 percent continued to place an increasing burden on the country's resources through rising medical expenditures, absenteeism from work, labor shortages resulting from morbidity and mortality, and training of replacement labor.

The Government's human rights record remained poor; although there were improvements in a few areas, serious problems remained. Citizens' right to change their government was severely circumscribed in the 2000 general elections; while they were peaceful and well administered, by-elections held during the year provided this right only to a very limited segment of the population. Security forces committed unlawful killings. Police officers tortured, threatened, and otherwise mistreated suspected criminals and prisoners during the year. Prison conditions remained harsh and life threatening. Arbitrary arrest and prolonged detention remained problems. The judicial system often did not provide expeditious and fair trials. Pervasive corruption continued. The Government limited freedom of privacy, speech, the press, assembly, and association. The Government forcibly expelled refugees and refused persons seeking asylum or refugee status. The Government pressured Burundian refugees to voluntarily repatriate. In the west, anti-refugee resentment and hostility continued. The Commission on Human Rights and Good Governance investigated several cases of abuse during the year. Sexual and gender-based violence and discrimination against women and girls remained problems, including in refugee camps. Female genital mutilation (FGM) remained a serious problem. Workers' rights were limited and child labor persisted. Trafficking of children and child prostitution were problems. Mob justice remained widespread and resulted in several unlawful killings.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political or extrajudicial killings this year; however, there were reports of unlawful killings, and security

forces continued to use excessive, lethal force against citizens.

In remarks published on June 27, Minister of Home Affairs (MHA) Omari Ramadhani Mapuri asked police to kill armed bandits and told them that they should refuse to be harmed first. He was speaking at the completion of the training course, at the inauguration ceremony for the police and assistant officers.

In June, police killed three suspected criminals in Dodoma in connection with the May 25 killing of three policeman by armed bandits in Dar es Salaam.

There was one report of killings in custody during the year (see Section 1.c.).

By year's end, no investigation was launched into the November 2002 case of a man who died in custody of a head injury.

There were no developments in the January 2002 killing of a man caught viewing military aircraft through binoculars; the February 2002 killing of a policeman by a soldier; or the May 2002 killing of a man with mental disabilities.

No action was taken during the year against police officers responsible for the 2001 killings of at least 31 demonstrators on the island of Pemba or the 2001 killing of a CUF member in Stonetown, Zanzibar.

Unlike in the previous year, there were no reports of violent clashes between clans.

There were reports that organized vigilante groups committed unlawful killings during neighborhood patrols. For example, during the year, there were reports that vigilantes mistakenly attacked and killed a night guard while searching for robbers at a primary school in coastal Tanga.

On September 21, four Sungusungu members were arrested and charged with murder of Haridi Hussein, a suspected thief in Lukobe village, Morogoro. Hussein was beaten to death after he was spotted outside of a villager's house, and the Sungusungu suspected he was a robber. Another villager reported the incident to the village council, which arrested the Sungusungu members. There was no further information on the case at year's end.

Mob justice against suspected criminals persisted, despite government warnings against it. Throughout the year, the media reported numerous incidents in which mobs killed suspected thieves; the suspects were stoned, lynched, beaten, hacked to death with machetes, or doused with gasoline and set on fire.

On January 18, five young men were killed and three men severely injured in mob justice incidents in the Bugando hills area of Mwanza. The dead were Sylvester Mathayo (age 18), Siwatu Ngereza (age 16), Hassan Yusuph (age 18), Joel Elias (age 18), and Patrick Leonard (age 18). The injured, who were put in remand at Butimba Prison, were Fadhil Omari (age 17), George Lucas (age 18), and Mande Charles (age 17).

The widespread belief in witchcraft in some instances led to the killing of alleged witches by those claiming to be their victims, aggrieved relatives, or mobs. According to the Government, more than 3,072 witch killings have occurred since 1970, most in the western part of the country. One arrest was made during the year for the murder of an alleged witch; however, most perpetrators of witch killings or mob justice eluded arrest, and the Government did not take preventive measures during the year. In addition, there were reports that, to maintain village security, the Sungusungu considered witches to be criminals.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there continued to be numerous reports that police officers tortured, threatened, and otherwise mistreated suspected criminals and prisoners during the year. Beatings and floggings were the methods most commonly used. The Government seldom prosecuted police for abuses.

For example, on September 9, Dar es Salaam auxiliary police raided and beat with clubs street traders without issuing any warning to disperse.

On November 7, police beat street traders in Dar es Salaam. Several traders sustained injuries, and one trader, Manjira, reported that his leg was broken.

There were reports that torture was used to extract confessions. On September 16, Sasi Marwa accused police officers at the Stakishari Police station in Dar es Salaam of beating him and tying his genitals with a bicycle tube to extract a confession.

Caning and other forms of corporal punishments were used in schools (see Section 5). Local government officials and courts occasionally used caning as a punishment for both juvenile and adult offenders. Overall use of caning in schools and by courts was declining.

For example, on October 2, Village Chairman in Masasi, Abasi Mwira, said a District Commissioner lashed him in public for failing to supervise the implementation of local food shortage prevention program.

On October 6, Mbeya District Commissioner Moshi Chang'a urged the villages not to cut down trees or else they would receive a fine of \$300 (300,000 shillings) and lashes, and be forced to replant trees on the destroyed area. By year's end, there were no reports that such punishment was administered.

Security forces used excessive force to disperse large gatherings (see Sections 2.b. and 2.c.).

There were no reports during the year that police sexually abused or raped detainees.

The investigation of a police officer who allegedly raped a 16-year-old girl in 2001 was pending at year's end.

There were no developments in the case of the January 2002 bomb explosions in Zanzibar Town.

Prison conditions remained harsh and life threatening. In 2002, the Minister of Justice stated that the Government had failed to implement the U.N. standard rules for treatment of prisoners, due to massive overcrowding at prisons nationwide, which prevented the Government from housing serious offenders separately. The prisons, some of which were built during the colonial era, were designed to hold between 2,000 and 2,699 persons; however, in August, the Chief Commissioner of Prisons reported that the prison population was 45,000 on any given day. Three prisons--Maswa, Babati, and Kahama--were overcrowded by over 1,200 percent. A total of 41 percent of all prisoners were remandees awaiting trial. The Chief Commissioner said that the Government was financially incapable of building more prisons and remand houses. The Community Services Act allows persons convicted of minor offenses to be sentenced to community service instead of jail time; however, by year's end the Act had not been used.

The Government created a National Parole Board to identify prisoners eligible for parole. The Board identified 2,098 prisoners who qualified for parole; however, none of them had been paroled by year's end.

Prisoners were subjected to poor living conditions, and the daily amount of food allotted to prisoners was insufficient. Authorities did not allow convicted prisoners to receive food from outside sources and often moved prisoners to different prisons without notifying prisoners' families. In violation of the law, some rural district courts forced remandees who were awaiting trial to pay for their upkeep and transport.

Prison dispensaries offered only limited treatment, and friends and family members of prisoners generally had to provide medication or the funds with which to purchase it. Diseases, such as dysentery, malaria, and cholera were common and resulted in numerous deaths. There were reports that guards abused prisoners during the year.

The Prisons Act requires prisoners to be separated based on age and gender, and female prisoners were held separately from male prisoners in practice. Women sent to remand prison reported that they were forced to sleep naked and subjected to sexual abuse by wardens. Because there were only two juvenile detention facilities in the country, juveniles were frequently not separated from adults in practice.

Pretrial detainees were held with convicted prisoners but were allowed to receive food from the outside.

On September 16, relatives of deceased prisoner Issa Shabani accused the Ukonga prison guards of beating him to death and covering up their action. Shabani sustained head wounds. The Prisons Department said the death resulted from malaria and injuries from a fall.

By year's end, no trial date was set for five police officers charged in the November 2002 case of 17 prisoners who suffocated to death in an overcrowded jail cell in Mbeya. On January 13, the Regional Commissioner of Mbeya complained that the judiciary had refused to cooperate with the special commission created to investigate the prisoners' deaths. The Government demoted the MHA, the Ministry responsible for oversight of prisons, because of the deaths.

Local nongovernmental organizations (NGOs) were permitted to monitor prison conditions; however, the Government did not grant permission to international NGOs to monitor prison conditions. The ICRC visited prisoners on Zanzibar and provided surgical supplies, financial support, and training to the region's medical facilities. The U.N. High Commissioner for Refugees (UNHCR) monitored conditions in the small prison that held special categories of refugees. The Government permitted UNHCR visits to prisons holding refugees in Dar es Salaam.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were problems.

The police force was underfunded and inefficient. The use of excessive force, police corruption, and impunity were serious problems and worsened during the year. Citizens often complained that police were slow to investigate crimes and prosecute criminals. According to NGO reports, police often lost evidence, and suspects with sufficient means successfully avoided prosecution by bribing police officers. Communities perceived a general lack of protection amid an increase in crimes committed by armed criminals. The general lack of trust in the police force and in the court system resulted in a high incidence of mob justice during the year (see Section 1.a.).

During the year, the Government took steps to reform the police force. Approximately 140 National Police personnel were trained in Civil Disorder Management. The internal investigation of a police officer accused of harassing and attempting to bribe a local businessman was ongoing at year's end. Despite these actions, those of the Prevention of Corruption Bureau, and a separate and ineffectual arm of the police force tasked with combating police corruption, there continued to be numerous reports in the press and complaints from civil society groups and citizens about police corruption during the year.

At the beginning of the year, the Commission for Human Rights and Good Governance conducted training for senior level police officers at the training institute in Moshi on respect for human rights, including not using violence to extract confessions.

The People's Militia Laws grant legal status to the traditional Sungusungu neighborhood and village anticrime groups. Local governments appoint the members with the help of individual households who decide which among them will join the Sungusungu watch. The Sungusungu were most commonly found in rural areas such as the Tabora, Shinyanga, and Mwanza regions, and in refugee camps. Members of Sungusungu have rights similar to those given to police, including the right to arrest persons. However, Sungusungu do not have the right to carry firearms; they carry wooden clubs for their protection. In return, they were expected to be held accountable for any abuses. During the year, following the increase in armed crimes and the murder of policeman in Dar es Salaam, local governments have encouraged the resurgence of Sungusungu in urban neighborhoods. Residents of a neighborhood in which Sungusungu operated were required by law and custom to either donate a small sum to the Sungusungu for patrols or, if they did not have money, to provide one person from their household to participate in patrols.

In refugee camps, Sungusungu groups composed of refugees acted as security forces.

The law requires that a person arrested for a crime, other than a national security detainee as defined under the Preventive Detention Act, be charged before a magistrate within 24 hours; however, in practice the police often failed to comply with this provision. In some cases, accused persons were denied the right to contact a lawyer or talk with family members. Prompt access to counsel was limited by the lack of lawyers practicing in rural areas.

The law restricts the right to bail and imposes strict conditions on freedom of movement and association when bail is granted. Judges set bail on a discretionary basis based on the merits of each case; however, there was no provision for bail in cases of murder or armed robbery. Bribes often determined whether bail was granted.

Under the Preventive Detention Act, the President may order the arrest and indefinite detention without bail of any person considered dangerous to the public order or national security. This act requires that the Government release detainees within 15 days of detention or inform them of the reason for their detention. The law allows a detainee to challenge the grounds for detention at 90-day intervals. The Preventive Detention Act was not used during the year. The Court of Appeals ruled that the act cannot be used to deny bail to persons not considered dangerous to society; however, the Government still has not introduced corrective legislation. The Government has additional broad detention powers under the law, which permit regional and district commissioners to arrest and detain for 48 hours persons who may "disturb public tranquility."

The Government arbitrarily arrested persons. On July 24, police officers brought in and questioned CUF Chairman Lipumba for 2 hours concerning remarks he made about Zanzibar President Karume.

Police continued to make arbitrary arrests and use the threat of them to extort money. For example, on August 16, a police officer was arrested for using the threat of arrest to solicit a bribe of \$30 (30,000 shillings) from a motorist.

By year's end, there were no developments in the August 2002 case of opposition leader Christopher Mtikila, who was no longer in prison.

Police arrested refugees for leaving the camps without permits (see Section 2.d.).

There were reports that prisoners waited several years for trial, sometimes because they did not have the means to bribe police and court officials. Because of backlogs, serious cases for violent offenses took years to come to trial. Observers estimated that approximately 5 percent of persons held in remand ultimately were convicted, and often those convicted already had served their full sentences before their trials were held. The authorities acknowledged that some cases had been pending for several years.

The cases of 12 inmates in Keko who have been imprisoned for as many as 10 years reportedly continued to progress through the courts, and three cases were in the appeals process by year's end.

At year's end, a civil suit against the Government by 18 CUF members who spent more than 2 years in prison without being convicted remained pending.

Unlike during the previous year, there were no reports that nongovernmental militiamen detained persons.

The Constitution does not permit the forced exile of its citizens, and the Government did not use forced exile in practice.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary remained under-resourced, corrupt, inefficient, and subject to executive influence.

Independent observers continued to criticize the judiciary, particularly at the lower levels, as corrupt and inefficient and questioned the system's ability to provide a defendant with an expeditious and fair trial. Clerks took bribes to decide whether or not to open cases and to hide or misdirect the files of those accused of crimes. Magistrates occasionally accepted bribes to determine guilt or innocence, pass sentences, withdraw charges, decide appeals, and determine whether cases were judged as civil or criminal matters. In addition, there were few courts available to citizens, and the cost of traveling to the nearest court was often prohibitive. In June, the Minister for Justice and Constitutional Affairs said "the majority of the population has yet to enjoy the right to justice."

The Government made no progress in addressing judicial corruption. Judicial ethics committees failed to offer recommendations to improve the credibility and conduct of the judiciary.

The legal system has five levels of courts combining the jurisdictions of tribal, Islamic, and British common law. Christians and Muslims are governed by criminal law. In family law civil matters, Christians are governed by customary law unless they can prove to a judge that customary law does not apply to them (for example, if they have not been living in a traditional community or are foreigners). In certain civil matter such as marriage, divorce, child custody, and inheritance, Muslims are governed by Islamic law. Islamic law was applied only to adjudicate civil cases involving Muslims. In family matters, the content and application of some customary and religious laws were discriminatory towards women (see Section 5).

The court system consists of primary courts, district courts, magistrates' courts, a High Court on Zanzibar and one on the mainland, and a Court of Appeal, which serves as the highest court for both the mainland and Zanzibar. Primary courts, which are present in each administrative region, have jurisdiction for civil suits related to customary and Islamic law, and civil and Christian matrimonial suits. Judges were appointed by the Chief Justice, except those for the Court of Appeal and the High Courts, who were appointed by the President. All courts, including Islamic courts, were staffed by civil servants.

Zanzibar and the mainland have separate judicial systems, with the exception of the Court of Appeal, which is used by both systems. Zanzibar's court system, excluding its Kadhi courts, generally parallels that of the mainland. In Zanzibar Kadhi's Courts operate in place of primary courts. The Kadhi courts have jurisdiction in civil cases arising from Islamic law and custom. The Kadhi Court system consists of Kadhi Courts and the Court of the Chief Kadhi. Appeals from the Court of the Chief Kadhi go to the High Court of Zanzibar for final rulings; cases in the Kadhi system cannot be appealed to the Court of Appeal. All other cases can be appealed to the Court of Appeal. Cases concerning Zanzibar constitutional issues were heard only in Zanzibar's courts.

While the majority of judges on Zanzibar were Muslim, there were very few Muslim judges, if any, on the mainland; consequently, some Muslim groups complained that it was inappropriate for Christian judges on the mainland to continue administering Islamic law for Muslims in family matters.

Criminal trials were open to the public and to the press; courts were required to give reasons on record for holding secret proceedings. In November 2002, Parliament passed the Prevention of Terrorism Act, which excludes everyone except the interested parties from trials of terrorist suspects and suppresses information to protect the identity of witnesses in those trials.

There was no trial by jury. The law provides for a right to defense counsel only for serious offenses. The Chief Justice assigns lawyers to indigent defendants charged with serious crimes such as murder, manslaughter, and armed robbery. There were only a few hundred practicing lawyers in the country, and most indigent defendants charged with lesser crimes did not have legal counsel. The law provides for the presumption of innocence, and provides criminal defendants with the right of appeal.

There was a separate court for young offenders; however, this court was underutilized and many juvenile offenders still were tried in adult courts. Some cases continued to be sent through the traditional court system where they were processed faster due to a less significant backlog than in the regular civil court system. The law provides for military tribunals; however, military tribunals have not been used since independence. Military courts did not try civilians, and there were no security courts. Defendants in civil and military courts could appeal decisions to the High Court and the Court of Appeal.

In refugee camps, Burundian mediation councils, comprised of male refugee elders, often handled domestic abuse cases of Burundian refugees even though the law does not allow these councils to hear criminal matters.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution generally prohibits such actions without a search warrant; however, the Government did not consistently respect these prohibitions in practice. The Prevention of Terrorism Act permits the police to conduct searches without a warrant in certain urgent cases.

Only courts can issue search warrants; however, the law also authorizes searches of persons and premises without a warrant if necessary to prevent the loss or destruction of evidence connected with an offense or if circumstances are serious and urgent. In practice, members of security forces rarely requested warrants and often searched private homes and businesses at will. The security forces reportedly monitored telephones and correspondence of some citizens and foreign residents.

The Zanzibar government enforces the Zanzibar Spinsters and Female Divorcees Protection Act, which makes it an incarcerable offense for any women to become pregnant out of wedlock. In theory, the man is also liable; however, because DNA testing is not available in Zanzibar, only women have been sentenced under the law. From 2000 to year's end, 47 cases were brought to court, and 30 woman have served jail time.

During the year, the Sungusungu in Nkoma forced a widowed woman to remarry by threatening to forcibly relocate her.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press; however, the Government limited these rights in practice. The only private newspaper published on Zanzibar, Dira, was banned in December. The law limits the media's ability to function effectively. The print media were subject to considerable government restrictions, including the enforcement of a voluntary code of ethics under which newspapers have been fined or suspended, and inhibitive libel laws, which resulted in self-censorship by journalists. The Government allowed political opponents unrestricted access to the media on the mainland, but the Zanzibar Government banned the only independent newspaper in the semi-autonomous Isles.

Citizens on the mainland generally enjoyed the right to discuss political alternatives freely; however, there were instances in which freedom of speech was severely restricted. The law requires political parties to support the continuation of the Union. Opposition political party members and others openly criticized the Government and ruling party in public forums; however, persons using "abusive language" against the country's leadership were subject to arrest, and the Government used this provision to detain some opposition figures (see Section 1.d.).

Authorities occasionally restricted political and religious speech by Muslims during the year (see Section 2.c.).

During the year, there were more than 100 newspapers published in English and Kiswahili, including 10 dailies. Many of the mainland's newspapers were privately owned. On Zanzibar, Dira was the only locally produced independent newspaper. In addition, there were a dozen periodicals in the country, some of which were owned or influenced by political parties, including the CCM and the CUF. Mainland publications, including one government-owned newspaper, regularly reported events that portrayed the Government critically.

Approximately 20 radio stations, including privately owned ones such as Radio Uhuru, whose primary owners are Kenyan, and more than 10 television stations, all but one of which on the mainland were privately owned, broadcast in Dar es Salaam and in a few other urban areas; however, the Government occasionally circumscribed their activities. Radio stations could not broadcast in tribal languages. On Zanzibar, the Government controlled radio and television; however, many residents could receive mainland broadcasts. All radio stations are legally required to broadcast the government-produced news program at 8:00 pm.

The Zanzibar News Act circumscribed journalists' freedom by giving authorities greater powers to harass, detain, and interrogate journalists. Under the Act, the Speaker of the Zanzibar House of Representatives announced during the year the suspension of Sarah Mosi, a journalist for the Majira newspaper, from reporting for 1 year for allegedly misreporting on Parliamentary proceedings. Mosi was working on the mainland at year's end.

In March, the Government revoked the citizenship of the editor of Dira, which routinely criticized the Government (see Section 2.d.).

Journalists and the Media Law Reform Project continued to complain that the Government has deliberately limited information to the press through several laws, including the Newspaper Act, the National Security Act, and the Broadcasting Act. For example, journalists who reported arrests could be charged with obstructing police activity under the Police Act. In addition, the law authorizes the Government to prevent television cameramen from filming the swearing-in of an opposition Member of Parliament (M.P.); however, during the year, the media provided coverage of inauguration without interference from the

Government. Media groups continued to call for the creation of a Freedom of Information Act to abolish such legislative prohibitions.

Throughout the year, the Government continued to pressure newspapers to suppress or change articles unfavorable to it. The Government reportedly did not censor news reports, but it attempted to influence their content by applying pressure on editors and producers by other means. During the year, there were reports that the Government withheld lucrative government advertising from newspapers deemed too critical of the administration.

On July 20, an editor and reporter from the Kiswahili newspaper Alasiri was sentenced for contempt of court for allegedly misreporting a court proceeding about the disputed deaths of miners in Bulyanhulu in 1996. The court fined the publisher approximately \$950 (1 million Tanzanian shillings) in damages and ordered Alasiri to print an apology to the MHA.

On October 27, Zanzibar's High Court ordered Dira to pay approximately \$646,000 (660 million shillings) in damages for printing "false and malicious statements" about the children of Zanzibar President Amani Abeid Karume. The order followed several disagreements between the Government and Dira, which had published articles about past human rights violations by the Government. On November 23, the Zanzibar Government suspended Dira from publishing for an indefinite period for "lack of professional ethics." On November 24, the Zanzibar Government banned Dira outright under the Zanzibar Registration of Newsagents, Newspapers, and Books Act. At year's end, Dira's management was seeking an injunction while challenging the Act under which it was banned.

At year's end, two newspapers, reportedly suspended in 2001 because of lewd content, remained closed at year's end.

Some journalists, particularly those in Zanzibar, exercised self-censorship on sensitive problems.

Government officials continued to be unresponsive to journalist's requests for information; however, in March, President Mkapa launched an initiative to improve public access to information. President Mkapa asked government leaders to avoid hindering the media's attempts to disseminate information and appointed communications officers in various government departments. Each ministry was required to establish communications units to increase transparency and provide the public with timely information. In addition, the Government adopted a new Information and Broadcasting Policy on November 14 that recognizes the Media Council as the designated body to act on incidents where the public or Government feels the media acted unprofessionally. The Council played a role in trying to mediate the Dira conflict during the year.

The Media Council operated with limited effectiveness during the year. Although courts handled defamation cases, the Council served as an adjudicating body when journalists infringed upon the voluntary code. The Media Council meditates disputes between complaining parties and the press. The party bringing a complaint may request a compensation amount. Then both parties negotiate with the Media Council on extent of damages and appropriate compensation. During the year, there were no compensation claims mediated by the Media Council.

The Government did not restrict access to Internet or block access to sites for political reasons.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government limited this right in practice. Security forces interfered with citizens' rights to assemble peacefully on a few occasions. To hold rallies, organizers are required to obtain police permission in advance. Police have the authority to deny permission on public safety or security grounds or if the permit seeker belonged to an unregistered organization or political party. Authorities arrested citizens for assembling without the appropriate permit.

The Government prevented opposition parties from holding rallies. In July, a permit request to hold a rally for the Tanzanian Labour Party was denied. Unlike in previous years, CUF meetings were not banned.

Authorities forcibly dispersed religious gatherings during the year (see Section 2.c.).

The cases against 41 Muslims arrested during a demonstration in 2001 remained pending at year's end. It was unknown whether those arrested remained in detention at year's end.

The Constitution provides for freedom of association; however, the Government limited this right in practice. The Registrar of Political Parties has sole authority to approve or deny the registration of any political party and is responsible for enforcing strict regulations on registered parties. The Tanzanian People's Party (TPP) and the Popular National Party (PONA), which were deregistered in 2002 for a lack of compliance with their respective constitutions, remained unregistered at year's end.

Under the law, citizens may not form new political parties independently, but must comply with certain requirements to register them with the Office of the Registrar. The Electoral Law prohibits independent candidates; requires all standing M.P.s to resign

if they join another party; requires all political parties to support the union with Zanzibar; and forbids parties based on ethnic, regional, or religious affiliation. Parties granted provisional registration may hold public meetings and recruit members. They have 6 months to submit lists of at least 200 members in 10 of the country's 26 regions, including 2 regions in Zanzibar, to secure full registration and to be eligible to field candidates for election. Unregistered parties were prohibited from holding meetings, recruiting members, or fielding candidates.

Under the Societies Ordinance, the MHA must approve any new association. The MHA estimated there were 3,000 registered NGOs. The Government continued a general suspension of registration of religious NGOs on the grounds that many were being formed for the purpose of evading taxes.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, there were some limits on freedom of religion.

There were two reports that security forces arrested and used violence against members of religious groups. On February 11, riot police on Zanzibar used rubber bullets and tear gas to disperse a group of worshippers from the Answar Sunni group, which was observing the Idd al Hajj holiday 1 day earlier than the date proclaimed by Zanzibar's mufti. The group did not have a permit. Three persons were injured. Answar Sunni had been involved in a long-running dispute with the Zanzibar government over which Muslim leaders had the authority to set annual religious observances.

On September 9, the FFU forcibly dispersed with tear gas and batons a meeting of 62 Muslims gathered for a religious event for which they had obtained a permit in advance. There were some reports of injuries. The Muslim group came into contact with a Christian gathering at the same venue, and some Muslims criticized Christianity. Police arrested six Muslims for sedition against Christianity and the Government during an assembly. At year's end, the case had not been brought to trial, and the six remained in prison.

The Mainland Government required that religious organizations register with the Registrar of Societies at the Ministry of MHA, and there were no reports during the year that the Government refused the registration of any group.

The Government banned religious organizations from involvement in politics, and banned politicians from using language designed to incite one religious group against another or to encourage religious groups to vote for certain political parties. The law imposes fines and jail time on political parties that campaign in houses of worship or educational facilities.

Government policy forbids discrimination against any individual on the basis of religious beliefs or practices; however, individual government officials allegedly favored persons who shared the same religion in the conduct of business.

The law prohibits preaching or distribution of materials that are considered inflammatory and represent a threat to the public order; however, there were no reports of religious materials banned during the year.

Societal violence based on religion occurred on occasion. In October, a Catholic church and church-owned vehicle were bombed on the island of Pemba; there were no arrests by year's end. During Ramadan in Zanzibar, a group of young Muslim men attacked and beat two Christian women for not dressing modestly.

Generally, there were stable relations between the various religious communities; however, tensions continued to increase between Muslims and Christians. The Government failed to respond to these growing tensions.

The Muslim community claimed to be disadvantaged in terms of its representation in the civil service, government, and parastatal institutions, in part because both colonial and early post-independence administrations refused to recognize the credentials of traditional Muslim schools. As a result, there was broad Muslim resentment of certain advantages that Christians were perceived to enjoy in employment and educational opportunities. Muslim leaders complained that the number of Muslim students invited to enroll in government-run schools still was not equal to the number of Christian students.

Some observers reported signs of increasing tension between secular and fundamentalist Muslims, as the latter felt that the former had joined with the Government for monetary and other benefits. The fundamentalist Muslims accused the Government of being a Christian institution, and Muslims in power as being interested only in safeguarding their positions.

For a more detailed discussion, see the [2003 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2003/27756pf.htm).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them; however, bureaucratic inefficiency and corruption delayed implementation in practice. Passports for foreign travel at times were difficult to obtain, mostly due to bureaucratic inefficiency and officials' demands for bribes.

Mainlanders were required to show identification to travel to Zanzibar, although the requirement largely was ignored in practice. Zanzibaris needed no special identification to travel to the mainland. Mainlanders were not allowed to own land in the islands, except in partnership with foreign investors. There was no prohibition against mainlanders working in the islands; however, in practice few mainlanders were hired.

In March, the Government revoked the citizenship of Ali Nabwa, the managing editor of Dira, a popular independent newspaper on Zanzibar that has routinely criticized the Government and was banned. Nabwa's citizenship has not been restored; however, he had not been deported by year's end.

The case of a journalist whose citizenship was also revoked in 2001 was still pending at year's end.

The law includes provisions for the granting of refugee and asylum status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, in practice, the Government frequently did not respect these provisions; on a number of occasions it refouled refugees and refused persons seeking asylum or refugee status.

The Government applied ad hoc asylum procedures. The determination of refugee status rests solely with the MHA, who was authorized to grant or reject applications for asylum. The Minister can declare any group of persons to be refugees by notice in the Government Gazette, and the Government determined Burundians and Congolese to be prima facie refugees. The Minister may also decide on cases individually. These individuals are required by law to register with the Director for Refugee Services and subsequently appear before a National Eligibility Committee (NEC) in which the UNHCR participates as an observer. In practice, this procedure was not always observed.

Despite the MHA's mandate, the army and regional and district commissioners exercised a great deal of independent control over refugees in their regions. For example, the District Commissioner made the decision to restrict access into and out of the camps and to rescind the 4-kilometer rule, which had allowed refugees to leave camps without a permit if they stayed within a 2.4 mile (4 kilometer) radius of the camps. In addition, the TPDF screened refugees as they arrived at the border and did not allow the UNHCR to be present.

In Kigoma, government officials (immigration, police, and MHA) screened new arrivals at the only official entry point in Kigoma, Kibirizi 1. They often rejected asylum seekers and immediately handed them to Immigration Services for deportation. The majority of these refugees were Congolese and Burundians. Government officials rejected a request by the UNHCR to have access to this screening exercise and to rejected cases.

On June 1, the Kibondo District Commissioner visited the refugee way stations on his regular border monitoring visit and ordered the staff working in the way stations not to continue to receive new refugees arriving from Burundi as of that day. He also allegedly instructed village leaders to ensure that no asylum seekers from Burundi were allowed in the way stations and ordered the immediate removal of an asylum seeker who had arrived at one of the way stations. The MHA in Dar es Salaam reversed the decision.

In July, the Kigoma Regional Commissioner closed all entry points along the lake in Kigoma, for "security reasons." One entry point, Kibirizi 1, was reopened in August.

During the year, there were numerous reports that the Government refused persons seeking asylum or refugee status. For example, On June 16, 29 refugees from the Democratic Republic of the Congo (DRC) were prevented from disembarking. They remained without access to food, medical care, and water for over 12 hours and were returned to the DRC.

In July, 10 Burundian refugees were handed over to the Burundi Consulate in Kigoma with instructions that they should be returned to Burundi. At least three of these refugees did not want to return to Burundi. However, on July 27, they were deported.

In July, the military in Mtanga village returned three boats with Congolese refugees to the DRC.

In early October, 10 Congolese refugees who were registered by the MHA in Dar es Salaam were sent to Kigoma to be referred to a refugee camp; in Kigoma, they were again interviewed and their refugee status was rejected. They were also refouled.

The Government's application of Immigration laws to refugees instead of applying the 1998 Refugees Act was a problem. Sentences under Immigration laws are more stringent in comparison to the Refugees Act. After serving their sentences under the Immigration Act, asylum seekers and refugees often were issued with Prohibited Immigrant Notices and deported.

For example, on May 16, four Burundian refugees who had been arrested for being outside of a camp without a permit were deported to Burundi. They were charged, presented before a court, and acquitted; however, the Kasulu Immigration Officer, in collaboration with the police, then re-arrested them and arranged for their deportation.

In early September, approximately 100 refugee prisoners who had benefited from a presidential pardon were immediately handed over to the Immigration Services and refouled to Burundi. Many of these refugees had been held on minor offenses such as leaving a camp without a permit.

On September 15, a National Refugee Policy was issued that states that refugees and asylum seekers are only allowed to stay in the country for 1 year, after which they must return to safe areas in their country of origin. This policy had not been implemented by year's end.

As of December 28, the number of UNHCR-assisted refugees in the country was 479,988. The country hosted 329,768 Burundian refugees and 150,220 Congolese refugees living in 12 UNHCR-assisted camps in the northwest, as well as an estimated 470,000 Burundian refugees who arrived prior to 1994 and were not being assisted by the UNHCR. Many Burundian refugees returned home under the perceived threat of refoulement or diminished food supplies. In addition, the UNHCR, with strong encouragement from the Government, continued to facilitate limited returns to designated areas in Burundi that were considered secure. As of December 28, the UNHCR had assisted in the repatriation of 35,673 refugees since January 1. According to the UNHCR, the Government did not register many refugees from the DRC, and in some areas along the country's border with the DRC, police were informally controlling groups of DRC refugees.

The Government's relations with the UNHCR were strained after the Government increased pressure on Burundian refugees to repatriate. In addition, in January, the Government expelled the head of a UNHCR sub-office in Ngara; he was not allowed back in the country.

During the year, the Government revoked Rwandans' refugee status. The UNHCR announced in December that it was including five additional provinces to the list of provinces in which it would assist in voluntary repatriations. The UNHCR maintained a policy of facilitating returns to designated safe provinces.

Anti-refugee sentiment among the 2 million citizens living in refugee-affected areas of the country was high due to pressure on local resources; the belief that refugees were responsible for an increase in crime, small arms trafficking, HIV/AIDS, and environmental degradation; and the provision of goods and services for refugees that were not available to the local population. However, many services, in particular health care, offered by the UNHCR, NGOs, and international organizations were available to the local population. In September, President Mkapa issued a public statement blaming refugees for the increase in small arms to the country; he also called on the international community to establish safe havens in war-torn countries to prevent refugees from entering neighboring countries. In addition, he asked regional leaders to consider replacing international asylum and refugee protections for victims of conflict with a system of safe havens.

It was illegal for refugees to live outside of the camps or settlements, or to travel outside of their respective camps without permission. However, refugees in the Kasulu region often had to travel more than 5 miles to collect firewood and water because local supplies were inadequate; these refugees, usually women and children, were subject to theft, physical abuse, and rape. There were a number of police positions funded to patrol the camps. Food and water shortages and outbreaks of disease plagued refugee camps in the west during the year. Food shortages resulted in the commercial sexual exploitation of many women and children who struggled to feed themselves and their families. The authorities restricted employment opportunities outside the camps.

There were reports that some refugees engaged in vigilante justice within camps, occasionally beating other refugees. There was significant hostility and resentment against Burundian refugees during the year and continuing concern regarding violence allegedly perpetrated by some armed Burundian and Rwandan refugees. Local officials reported incidents of banditry, armed robbery, and violent crime, allegedly perpetrated by refugees in the areas surrounding refugee camps. Sexual and gender-based violence remained a problem in refugee camps. The UNHCR, in coordination with the Government and local NGOs, continued a program to increase awareness about sexual and gender-based violence and deal with abuses in the camps.

The Government did not adequately investigate, prosecute, or punish perpetrators of abuses in refugee camps. There were mediation councils in the refugee camps and police patrols in the camps but most cases were not referred to local authorities.

There were several reports that Burundian rebels conducted training and recruitment in the camps; there were also reports that the rebels recruited children from the country's refugee camps (see Section 6.f.).

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, this right was circumscribed severely in 2000 on Zanzibar.

On May 18, by-elections were conducted on Pemba, one of the islands of the semi-autonomous Zanzibar archipelago. The by-elections filled the 17 seats in Zanzibar's House of Representatives and the 15 seats in the National Parliament that had been declared vacant after the CUF boycotted the 2000 general elections. The CUF won all of the 15 parliamentary seats and 11 of the 17 Zanzibar House of Representative seats. The by-elections, which were judged free and fair by international observers and a local NGO, signified a significant step toward reconciliation between the ruling CCM and opposition CUF following violent disputes and tensions resulting from elections in 2000.

The Zanzibar Electoral Commission (ZEC) disqualified six CUF candidates prior to the elections, after one of the smaller opposition parties, NCCR-Mageuzi, filed a legal case arguing that the CUF candidates were expelled for having boycotted the legislature and thus were ineligible to run for these seats within 5 years of being expelled from them, as stated by the Zanzibar Constitution. The CUF countered that the CUF candidates had never occupied their seats and thus could not be expelled for

boycotting parliamentary seats they had never held. Voters in those six constituencies marred ballots to protest the disqualifications. On election day, police fired tear gas during a late-night violent confrontation between CCM and CUF supporters in Chake Chake.

The country held general elections in 2000, in which the ruling CCM's candidate Benjamin Mkapa was elected President with 71 percent of the vote. In the parliamentary elections, the CCM won 202 of the 232 elected seats. In the Zanzibar presidential election, Abeid Amani Karume defeated the CUF candidate. On the mainland, international observers concluded that the elections were free and fair and conducted peacefully; however, in Zanzibar four separate international observer teams concluded that the vote was marred by irregularities, voter intimidation, and politically motivated violence. In addition, 16 CUF members were expelled from the National Parliament after boycotting the legislature to protest the Zanzibar election results.

As a result of widespread allegations of corruption during the 2000 general elections and post-election violence, the 2001 Muafaka II reconciliation accord provides for the ZEC and the Joint Presidential Supervisory Commission to establish a Permanent Voters' Registry (PRV). Despite the requirement to do so before the May by-elections, a PVR had not been established by year's end.

In November 2002, the Presidential Commission charged with investigating the violent aftermath of the 2000 general election on Zanzibar issued its comprehensive report. The report stated that 31 persons were killed and approximately 581 injured in the 2001 election violence. The Commission made no recommendation for prosecution of the members of security forces responsible for these abuses; however, it recommended for electoral reform, civic education, and improved judicial and police training.

As of July, 16 political parties were registered. SAFINA, a new party, had an interim registration. CCM controlled 295 seats, approximately 93 percent of the seats, in the National Assembly.

Unlike in previous years, police in Zanzibar did not detain, arrest, or harass CUF members and suspected supporters.

The Constitution requires that women occupy 20 percent of seats in Parliament, and women are appointed by their respective political parties to serve in these seats, popularly known as "Special Seats". There were 60 women in the 295-seat legislature; 12 female M.P.s were elected members of the CCM; 47 female M.P.s occupied the Special Seats; and 1 female M.P. was nominated by President Mkapa. Women occupied seven seats in the Zanzibar House of Representatives. There were three women in the cabinet of the national Government, and one in the cabinet of the Zanzibar Government. In addition, one woman served as a justice of the Court of Appeal.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Numerous domestic human rights groups generally operated without government interference, investigating and publishing their findings on human rights cases. The Government generally was cooperative and responsive to their views; however, the government-mandated registration process limited some NGOs' work. In addition, there were reports that many parliamentarians harbored mistrust towards NGOs and believed they existed solely to make money.

Active domestic human rights NGOs included the Center for Human Rights and Promotion, the Legal and Human Rights Center, Tanzania Media Women's Association, Tanzania Women Lawyers' Association, the Center for People living with AIDS, and the Inter-Africa Council. There were also many smaller local human rights NGOs based outside of Dar es Salaam. All were independent of the Government. The Government met with domestic human rights NGOs, responded to their inquiries, and in some cases participated in training seminars, such as those concerning police conduct, female genital mutilation, child labor, and women's rights.

International human rights groups included a local chapter of Amnesty International and the International Committee of the Red Cross.

In December 2002, Parliament enacted the NGO Act, which requires all NGOs, including NGOs previously registered under other ordinances, to register with a government-appointed NGO Coordination Board. Failure to register or meet any of the Act's other requirements is a criminal offense. Although the Act had not been implemented by year's end, NGOs widely criticized the law because they feared it would limit their scope of operations and that the Government would use the denial of registration as a political tool.

The November 2002 Prevention of Terrorism Act, which imposes strong sanctions on NGOs suspected of ties to terrorism, had not been implemented by year's end; however, Muslims believed it unfairly targeted their religiously affiliated NGOs.

The Government denied or revoked registration under existing legislation to three NGOs: Lawyers' Environmental Action Team (LEAT), the African Human Rights and Justice Protection Network, and the Zanzibar Human Rights Association. The Government revoked LEAT's registration because it deemed the group's allegations of unsafe working conditions and purported deaths in the mining sector in 1996 lacked credibility. The 2001 cases of seditious intent against Tanzania Labor Party chairman Augustine Mrema and LEAT President Rugemeleza Nshala and LEAT leader Tundu Lissu, which regarded the purported

mining deaths, were still pending at year's end. The Government denied registration to the African Human Rights and Justice Protection Network because it considered the NGO "too political."

The International Criminal Tribunal for Rwanda War Crimes (ICTR) continued to be hosted in Arusha. The Government has been supportive of and cooperative with the ICTR.

The Commission for Human Rights and Good Governance accepts outside requests for and initiates investigations into human rights abuses committed by the Government, companies, or individuals, such as police brutality, torture, incidents of mob justice, violations of women's and refugee rights, and labor grievances. The Commission is also mandated to act as a plaintiff in a trial; however, it does not have judicial powers. Furthermore, it has no jurisdiction over matters pending before a court or other tribunal (the Commission can make recommendation for remedies but courts must decide on them), any dispute that involves the Presidents, or relations between the Government and a foreign state or international organization. The Commission also has no legal mandate to operate in Zanzibar but the Government of Zanzibar has agreed to allow the Commission to investigate cases on Zanzibar.

Critics of the Commission criticized the organization's lack of independence from the Government, arguing that it would render the entity ineffective. Critics specifically pointed to the selection process used to choose commissioners, in which five commissioners are appointed by the President based on the recommendation of a government selection committee. However, NGOs viewed the Commission's work favorably, and some sent cases to the Commission for investigation.

At year's end, the Commission was under funded, understaffed, and overburdened by the caseload of 2,000 unresolved labor grievances. However, the Commission was more active both in hearing complaints and conducting targeted human rights programming during the year. By June, it had received more than 5,000 cases, 30 percent of which it said it had investigated.

In response to the Mbeya suffocation deaths of 17 prisoners in November 2002, the Commission conducted a country-wide prison inspection during January to assess prison management and overcrowding, and receive complaints from prisoners. Their official findings and recommendations had not been released by year's end. At year's end, the Commission continued hearing testimonies in a case brought by 135 villagers from Nyamuma in the Mara Region who accused the Government of burning their houses and food reservoirs in 2001 to displace them from the Serengeti National Park.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on nationality, ethnicity, political affiliation, race or religion; however, the Government did not always effectively enforce these prohibitions. Discrimination based on sex, age, or disability was not prohibited specifically by law but was discouraged publicly in official statements. Discrimination against women, refugees, and ethnic minorities persisted, and societal ethnic tensions continued to be a problem.

The Tanzania Parliamentarians' AIDS Coalition (TAPAC) addressed discrimination against persons infected with HIV/AIDS. However, there were reports that discrimination—including limitations on housing, healthcare, and education—continued to occur against the 2 million persons in the country living with HIV/AIDS. There were isolated reports that private employers fired or did not hire persons based on the perception that they had HIV/AIDS.

Women

Domestic violence against women remained widespread. The law does not specifically prohibit spousal battery. Action rarely was taken against perpetrators of physical abuse against women. Police often had biases against pursuing domestic abuse cases and demanded bribes to investigate allegations. Traditional customs that subordinate women remained strong in both urban and rural areas, and local magistrates often upheld such practices. It was accepted for a husband to treat his wife as he wished, and wife beating occurred at all levels of society. Women have been punished by their husbands for not bearing children. Cultural, family, and social pressures prevented many women from reporting abuses to authorities. The Tanzania Media Women's Association (TAMWA), reported that as many as 60 percent of women were beaten by their husbands.

The law provides for life imprisonment for persons convicted of rape; however, rape continued to be a serious problem. Several persons were prosecuted and convicted for rape and battery under this law during the year. Sexual and gender-based violence continued to be a problem in the refugee camps (see Section 2.d.).

During the year, there was a reported increase in rape cases in Zanzibar. One official estimated that the majority of rape cases went unreported, and only 5 percent of actual rape cases were filed in a court of law. According to a Zanzibar High Court judge, those cases that were filed were often rejected in court due to a lack of evidence. Some police reportedly advised rape victims to clean themselves before going to hospitals for examinations, which contributed to the removal of important evidence. According to the Vuga Deputy Court Magistrate, between 2000 and June, 118 rape cases were filed at the Vuga Resident Magistrate's Court in Zanzibar; however, by year's end, none of the accused had been convicted, and 74 cases were still pending.

Between 10 and 18 percent of the female population underwent female genital mutilations (FGM). According to a 2002 survey conducted by the LHRC, based on data obtained through recent interviews and past surveys, FGM was performed on females

in about half of the country's mainland regions, with the extent of the abuse varying by region. In Arusha and Tarime, FGM was openly and defiantly practiced before local authorities, with a prevalence rate of 85 percent among rural females in each region; in addition, approximately 100 percent of Arusha's Maasai females underwent FGM. Other regions with high FGM prevalence rates included Dodoma (68 percent), Mara (44 percent), and Kilimanjaro (37 percent).

The law prohibits the practice of FGM on any female under the age of 18; however, FGM still was performed at an early age by approximately 20 of the country's 130 main ethnic groups. There was no legal protection for adult women. On October 11, 3 women were sentenced to 30 years in prison for performing an FGM procedure on a 10-year-old girl in Singida, which resulted in the girl's death in July 2002. No action was taken in the October 2002 death of a young girl following an FGM procedure in Dodoma.

Reducing the practice of FGM remained difficult because police did not have adequate resources to protect victims, and some regional government officials favored the practice or feared speaking out against it because of the perceived political consequences of opposing FGM and the power of traditional leaders who supported FGM. Many communities were unaware of the law prohibiting FGM for females under 18, and some communities viewed the law as an unjust threat to societal tradition. A lack of medical information on the harmful and long-term health effects of FGM was also a problem; many communities believed FGM increased fertility, reduced sexual desires leading to prostitution, and reduced infant mortality. Many fathers believed they would receive higher "bride prices" for daughters who had undergone FGM; operators of FGM relied on the practice for income; and even when parents opposed the practice, some girls nonetheless underwent FGM to benefit from the traditional celebrations and gifts given by their communities following the mutilation.

Seminars sponsored by the Government and NGOs were held regularly to educate the public on the dangers of FGM and other traditional practices, such as the tradition of inherited wives, which critics contended contributed to the spread of HIV/AIDS.

The law prohibits prostitution; however, it remained common, including child prostitution. Poor rural women, young girls immigrating to urban areas, and refugees were at high risk of engaging in prostitution. Prostitution resulting from sex tourism, particularly in Zanzibar, remained a problem (see Section 6.f.).

The law prohibits sexual harassment against women in the workplace. Male colleagues sometimes harassed women seeking higher education, and the authorities largely ignored the practice.

Although the Government advocated equal rights for women in the workplace, it did not ensure these rights in practice. In the public sector, which employed 80 percent of the salaried labor force, certain statutes restricted women's access to some jobs or hours of employment (see Section 6.e.). While progress on women's rights was more noticeable in urban areas, strong traditional norms still divided labor along gender lines and placed women in a subordinate position. Discrimination against women was most acute in rural areas, where women were relegated to farming and raising children and had almost no opportunity for wage employment. The Land Act overrides customary law if it denies women their right to use, transfer, and own land. Women's rights of co-occupancy are also protected.

The overall situation for women was less favorable in Zanzibar. Although women generally were not discouraged from seeking employment outside the home, women in Zanzibar and on many parts of the mainland faced discriminatory restrictions on inheritance and ownership of property because of concessions by the Government and courts to customary and Islamic law. While provisions of the law provide for certain inheritance and property rights for women, the application of customary, Islamic, or statutory law depended on the lifestyle and stated intentions of the male head of household. The courts have upheld discriminatory inheritance claims, primarily in rural areas. Under Zanzibar law, unmarried women under the age of 21 who become pregnant were subject to 2 years' imprisonment (see Section 1.f.).

Several NGOs provided counseling and education programs on women's rights problems, particularly sexual harassment, sexual and gender-based violence, molestation, and woman's legal rights.

Children

Government funding of programs for children's welfare remained low. The Government made some constructive efforts to address children's welfare, including working closely with UNICEF and other international and local organizations to improve the well-being of neglected children and the country's 2 million orphans.

The law provides for 7 years of compulsory education through the age of 15; however, primary education, while tuition-free on the mainland, was not tuition-free in Zanzibar. Fees were charged on Zanzibar for books, uniforms, and enrollment beyond Form 2, the equivalent of the second year of high school; as a result, some children were denied an education. Parents also paid for uniforms on the mainland. The law provides for free primary school education for all children under the age of 12 on the mainland; however, there were inadequate numbers of schools, teachers, books, and other educational materials to meet the demand. In some cases, children were unable to attend school because poorly paid teachers demanded money to enroll them. The primary school dropout rate was between 30 and 40 percent, and net primary school enrollment/attendance was 47 percent. The literacy rate was approximately 70 percent; for girls it was 57 percent compared with 80 percent for boys. The rate of girls' enrollment in school was lower than that of boys and generally declined with each additional year of schooling. In some districts, the attendance of girls continued to decline as the result of the need to care for younger siblings, household work, and

early marriage, often at the behest of parents. Despite a law to permit pregnant girls to continue their education following maternity absences, the practice of forcing pregnant girls out of school continued.

Corporal punishment in schools was a problem. For example, in November, a pupil at Mandangeni Kirua Vunjo Primary School in Moshi Rural District was admitted to the Kilimanjaro Christian Medical Centre (KCMC) after his teacher allegedly beat him with a ruler.

Two thirds of new cases of HIV/AIDS infections occurred among youths. Both UNICEF and World Vision have HIV/AIDS awareness programs for children.

FGM was performed on girls, primarily in the central region (see Section 5, Women).

The law criminalizes child prostitution and child pornography. The minimum age for protection from sexual exploitation is 18 years. Under the law, sexual intercourse with a child under 18 years is considered rape regardless of consent; however, the law was not effectively enforced in practice because it was customary for girls as young as 14 years of age to be considered adults for the purposes of sexual intercourse and marriage. Child marriages are sanctioned under the law with parental consent for girls 12 years of age and older. There were reports of child prostitution and other forms of trafficking in children (see Section 6.f.).

There were reports that Burundian rebels recruited children from refugee camps in the country for use in Burundi as child soldiers and domestic servants in rebel camps.

Child labor was a problem (see Section 6.d.).

There were an estimated 815,000 children orphaned by AIDS. There were significant numbers of street children in both Dar es Salaam and Arusha. In the refugee camps, orphans were generally absorbed into other families. Those who were not absorbed generally qualified as extremely vulnerable individuals and received additional support and counseling.

Persons with Disabilities

Although there was no official discrimination against persons with disabilities, in practice, persons with physical disabilities effectively were restricted in their access to education, employment, and other state services due to physical barriers. The Government did not mandate access to public buildings, transportation, or government services for persons with disabilities and provided only limited funding for special facilities and programs.

Indigenous People

Pastoralist tribes experienced discrimination in schools for wearing traditional dress or ornaments. Government policy requires all children attending schools to wear uniforms.

National/Racial/Ethnic Minorities

The Barabaig and other nomadic persons in the north continued to seek compensation for past government discrimination seeking to make them adopt a more modern lifestyle and to restrict their access to pastoral lands that were turned into large government wheat farms.

The Asian population, which was viewed unfavorably by many African citizens, was approximately 50,000 persons. There were no laws or official policies that discriminated against Asians; however, as the Government placed great emphasis on market-oriented policies and privatization, public concern regarding the Asian minority's economic role increased. This concern led to demands by small, populist opposition parties for policies of "indigenization" to ensure that privatization did not increase the Asian community's economic predominance at the expense of the country's African population.

Section 6 Worker Rights

a. The Right of Association

The law provides for workers to form and join unions, and the workers exercised this right in practice. The Union and Zanzibar Governments separately enforced worker rights. The labor law that applies to the mainland applies to both public and private sector workers, but restricts the right of association for those workers broadly defined as "essential" because it limits their right to strike. The labor law in Zanzibar applies only to private sector workers.

Approximately 350,000 of the country's 2 million persons employed in the private formal sector were organized. An estimated 2 to 4 percent of the workforce was unionized. Registered trade unions nominally represented 50 percent of workers in industry

and government. An estimated 5 to 8 percent of the agricultural work force was unionized. Union membership continued to decline during the year primarily due to the growth in the informal sector and the general sentiment that unions remained ineffective. All workers, including those classified broadly as essential service workers, were permitted to join unions.

The Trade Union Act permits workers to form unions voluntarily without requiring membership in an umbrella organization. There were a total of 12 unions operating in the country by year's end, including the teacher's union, which was the largest and most active union, as well as health workers' unions, and other job-specific groups. The Trade Union Congress of Tanzania was the coordinating union umbrella group that 10 of the unions belonged to and was the principal liaison with government on labor matters of a general interest.

The law permits the Registrar of Trade Unions to impose large fines, imprisonment, or both for failing to register a trade union. The Registrar also was permitted to deregister the smaller of two trade unions when more than one existed in an industry and to order the smaller union to rescind memberships. The Registrar can suspend a trade union for contravening the law or the union's own rules, suspend a union for 6 months on grounds of public order or security, and invalidate the union's international trade union affiliation if certain internal union procedures are not followed. The Registrar did not use these powers during the year.

The Security of Employment Act prohibits discriminatory activities by an employer against union members. Employers found guilty of anti-union activities were required under the law to reinstate workers. The Warioba Commission found that bribes often determined whether a worker dismissed from his job was actually reinstated. The labor law in Zanzibar does not protect trade union members from anti-union discrimination; however, there were no reports of anti-union discrimination during the year in Zanzibar.

Unions were permitted to affiliate with international bodies. The local transport union was affiliated with the International Federation of Transport Unions, and the teacher's union was affiliated with Educators International.

b. The Right to Organize and Bargain Collectively

Collective bargaining was protected by law but did not apply to the public sector, and collective bargaining occurred. The Government sets wages for employees of the Government and state-owned organizations administratively, although privatization and reductions in public sector employment reduced the number of such employees to approximately 5 percent of the work force.

Unions negotiated directly with the Association of Tanzanian Employers on behalf of private sector members. Collective agreements must be submitted to the Industrial Court for approval and may be refused registration if they do not conform with the Government's economic policy. The International Labor Organization (ILO) observed that these provisions were not in conformity with ILO Convention 98 on Collective Bargaining and the Right to Organize. By 2002, 11 of the 12 unions had collective bargaining agreements.

Workers had the legal right to strike only after complicated and protracted mediation and conciliation procedures leading ultimately to the Industrial Court, which received direction from the Ministry of Labor Youth Development, and Sports. If a union was not satisfied with the decision of the Industrial Court, it then could conduct a legal strike. The mediation and conciliation procedures can prolong a dispute for months without resolving it. There were no laws prohibiting retribution against legal strikers. Frustrated workers staged illegal wildcat strikes and walkouts pending a resolution of their cases in the Industrial Court.

There were no formally sanctioned strikes during the year but there were two wildcat strikes: A 3-day absentee strike by workers at the National Bank of Commerce and one by the association of daladala drivers (local buses) in Zanzibar. Essential workers were not permitted to strike.

The law provides for the establishment of export processing zones (EPZs); there were three EPZs on Zanzibar and three on the mainland. EPZ working conditions were comparable to those in other areas. Labor law protections applied to EPZ workers.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.). Subsequent laws have limited the prohibition by allowing for unpaid work for community development projects and prison labor. In some rural areas, villagers still were obligated by law to work without pay in the village community gardens or on small construction projects such as repairing roads.

The Prisons Act allows for prisoners to work without pay on projects within the prison, such as on agriculture so the prison could be self-sufficient. In practice, prisoners were used to do forced labor on projects outside of the prison, such as road repair and government construction projects.

There continued to be reports that forced and bonded labor by children occurred (see Sections 5 and 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment

Child labor continued to be a problem. The Government prohibits children under the age of 14 from working in the formal wage sector in both urban and rural areas; however, the law did not apply to children working on family farms or herding domestic livestock. Children between the ages of 12 and 15 may be employed on a daily wage and on a day-to-day basis, with parental permission, and they must return to the residence of their guardian at night. The law provides that the minimum age for contract work in approved occupations is set at 15 years; however, this was also not respected.

The law prohibits young persons from employment in any occupation that is injurious to health and that is dangerous or otherwise unsuitable. The Ministry of Labor, Youth Development, and Sports is responsible for enforcement; however, the number of inspectors was inadequate to monitor conditions. The effectiveness of government enforcement reportedly declined further with increased privatization.

The ILO estimated that the labor force participation rate of children was 60 percent in rural areas and 28 percent in urban areas. According to a government survey released during the year, of the estimated 12 million children aged 5 to 17 years old, 4.7 million were engaged in economic activities. According to the ILO, up to 25 percent of these children were suspected to be engaged in some kind of exploitative child labor or hazardous industries. The ILO and UNICEF reported that children who left home to work as domestic laborers in other towns or villages often were subjected to commercial sexual exploitation. Children worked in mines, commercial agriculture, or as domestic laborers, child soldiers, or prostitutes.

Approximately 3,000 to 5,000 children engaged in seasonal employment on sisal, tea, tobacco, and coffee plantations. Children working on plantations generally received lower wages than their adult counterparts, even if in comparable jobs. Work on sisal and tobacco plantations was particularly hazardous to children. Between 1,500 and 3,000 children worked in unregulated gemstone mines. Small children, so-called "snake boys," worked in dangerous tanzanite mines where deaths were known to occur. Unlike in previous years, there were no reports of snake boy deaths during the year. Girls often were employed as domestic servants, mostly in urban households and sometimes under abusive and exploitative conditions. In the informal sector, children assisted their parents in unregulated piecework manufacturing.

Several government ministries, including the Ministry of Labor, Youth Development, and Sports, the Bureau of Statistics, and the Department of Information Services, have special child labor units. The Government implemented a program for the elimination of child labor. The Government also worked with the ILO on the "Time Bound Program to Eliminate the Worst Forms of Child Labor." By June, the program had withdrawn and rehabilitated 3,667 children from the worst forms of child labor. The program includes education for withdrawn children and small monetary grants to their families to insure that the children do not re-enter the worst form of child labor.

e. Acceptable Conditions of Work

The legal minimum wage for employment in the formal sector was \$53 (48,000 shillings) per month. Even when supplemented with various benefits such as housing, transport allowances, and food subsidies, the minimum rate was not always sufficient to provide a decent standard of living for a worker and family, and workers depended on their extended family or on a second or third job. Despite the minimum wage, most workers, particularly in the growing informal sector, were paid less.

There was no standard legal work week for private sector workers; however, a 5-day, 40-hour work week was in effect for government workers. Most private employers retained a 6-day, 44- to 48-hour work week. In general, women could not be employed between 10 p.m. and 6 a.m., although this restriction was usually ignored in practice. Several laws regulate safety in the workplace. The Ministry of Labor and Social Welfare and Youth Development managed an Occupational Health and Safety Factory Inspection System; however, its effectiveness was limited. Labor standards were not enforced in the informal sector, and a large percentage of the workforce was employed in the informal sector.

Workers could sue an employer through their union if their working conditions did not comply with the Ministry of Labor's health and environmental standards. A labor complaint must be filed before a Labor Officer, who convenes a hearing where the employer and employee state their cases. The employee or employer can appeal that decision to the Minister of Labor and Social Welfare and Community Development. Some labor officers were corrupt and accepted bribes from employers to not accept or certify these complaints. There were no reports that workers who lodged and won such complaints faced retribution; however, workers did not have the right to remove themselves from dangerous situations without jeopardizing their employment if they lodged a complaint and lost. Legal foreign workers have the same wage and working condition rights as other workers.

f. Trafficking in Persons

The law prohibits trafficking of persons for sexual purposes, but not other forms of trafficking, and trafficking remained a problem. Trafficking for sexual purposes punishable by 10 to 20 years of imprisonment, or a fine of \$100 (100,000 shillings) to \$300 (300,000 shillings). No one has ever been sentenced under this law. Other laws could be used to prosecute trafficking, such as labor laws against forced and bonded labor.

The Ministry of Labor, Youth Development, and Sport and the Ministry of Community Development, Women's Affairs, and Children, and the police have a shared responsibility for trafficking.

In early October, the police arrested and charged a woman and a man for trafficking five children in the Iringa region; by year's end, there were no further developments. On October 21, Police Spokesperson, Assistant Commissioner of Police, Aden Mwamunyange, issued a warning in Iringa to parents not to hire out their children as domestic workers. He also announced the police were beginning an investigation into the rise of child trafficking in Iringa region. There was no further information at year's end.

The country was a source and destination country for trafficked persons. Children were trafficked from rural to urban areas for work (see Section 6.d.). The ILO and UNICEF reported that children who left home to work as domestic laborers ("housegirls") in other towns or villages often were subjected to commercial sexual exploitation. Some girls were trafficked to Zanzibar from different parts of the mainland and Kenya to work as prostitutes for Zanzibaris and in the tourist industry. There were unconfirmed reports that the women and girls may have been trafficked to South Africa, the Middle East, North Africa, Europe, and the United States. The country was also a destination for trafficked persons from India and Kenya.

There were reports that children in the country's large refugee population were highly vulnerable to being trafficked to work on farms, and some refugees were recruited as child soldiers for participation in armed conflicts in neighboring countries (see Section 5). Children in low-income families were at significant risk of being trafficked, and girls were more vulnerable than boys, as girls were considered more of an economic burden on their families. The country was also experiencing a boom in the number of child-headed households as more adults succumbed to HIV/AIDS-related disease and death, leaving their dependents at very high risk for child labor and trafficking.

Awareness of trafficking in persons in the country remained extremely low, and there were very few estimates or statistics on the extent of trafficking. However, according to KIWOHEDE, a local NGO that provided counseling to abused and exploited women and children, the southern Iringa region was the origin of up to 20 percent of the country's domestic labor or housegirls. Five other regions of the country--Mtwara, Shinyanga, Kagera, Dar es Salaam, and Dodoma--provided approximately 10 percent of the total number of housegirls. Most domestic child laborers were trafficked to Dar es Salaam. Some were sent with assistance from their family; some went on their own to escape life in rural areas; and some were brought by someone who had offered to help them find work in the city, legitimate or otherwise.

Another NGO, the Center for Human Rights Promotion reported that men recruited village girls who had completed primary school but were not entering secondary school. They offered the girls money and employment, and promised a better life if the girls accompanied them to the urban areas. These girls reportedly ended up in prostitution or domestic labor.

One form of trafficking that occurred in the country was the traditional practice of low-income parents entrusting a child to a wealthier relative or respected member of the community who was charged with caring for the child as one of his or her own. Some persons took advantage of this traditional practice and placed the child in a situation where he or she was at risk of being exploited and/or abused. Many parents were unaware of the risk to their children or, because of extreme poverty and lack of education, thought they simply had no other recourse. Most commonly, girls were sent to work as house girls, and boys to work on farms, in mines, and in the large informal sector.

There were reports that government officials employed children as domestic help; on occasion, conditions of domestic employment constituted forced labor, and sometimes placement and transport to households was organized by small scale free-lance agents who recruited children from rural villages. Some police reportedly received bribes from brothel owners for protection from arrest. The Government took no action against government officials engaged in trafficking.

The Government provided short-term medical training and health care supplies to an NGO working with trafficking victims, and in cases where trafficked foreign women were arrested for prostitution, the women were repatriated to their country of origin. However, the Government participated in the ILO's Time Bound Program to Eliminate the Worst Forms of Child Labor to help end child prostitution and child domestic labor. To understand the extent of trafficking and remedies for trafficking, the Child Labor Unit of the Ministry of Labor established in May a working group comprised of representatives from the MHA and the Ministry of Community Development, Women's Affairs, and Children.

Small domestic NGOs worked with trafficking victims, including child prostitutes and domestic laborers to provide them with education, shelter, and legal information. There were no government or NGO media campaigns to inform the public about the dangers of trafficking specifically, but there were media campaigns to educate persons about the worst forms of child labor.